



CR-4865-2025

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(248)

CR-4865-2025(O&M)
Reserved on 10.09.2025
Pronounced on 24.09.2025

Suman Lata and Others

.....Petitioners

Versus

Ravinder Kumar and Others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH
GREWAL**

Present: Mr. Sunil Chadha, Sr. Advocate, with
Mr. Gaurav Datta, Advocate, with
Ms. Tara Dutt, Advocate, with
Mr. Vaibhav Bhargav, Advocate,
for the petitioners.

Mr. Akash Vashisth, Advocate,
for respondents No.1 & 2.

AMARINDER SINGH GREWAL, J.

1. The present civil revision petition has been filed under Article 227 of the Constitution of India for setting-aside the impugned order dated 22.07.2025 passed by the learned Additional District Judge, Jind in CIS (CMA) No.33/2025 titled as '*Ravinder Kumar and Another Versus Suman Lata and Others*' (Annexure P-7) whereby the learned ADJ Kaithal has set aside the interim order dated 23.05.2025 (Annexure P-5) passed by the learned Civil Judge (Sr. Division), Jind in civil Suit No.339 of 2025, which is illegal, void, arbitrary.

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2. The brief facts of the case are that the plaintiffs instituted a suit for permanent injunction claiming that they were owners in exclusive possession of the banquet hall situated at Village Kishanpura, District Jind, on the basis of Jamabandi entries and municipal records. They alleged that the defendants, who have no concern with the property, attempted to interfere with their peaceful possession and sought interim protection. The defendants contested the suit, contending that they had become co-owners by virtue of registered sale deeds dated 06.06.2024 and 07.06.2024 executed by Mahender Singh, one of the recorded co-owners. They claimed that as co-sharers they were entitled to joint possession of suit property and that no injunction could be granted against them. Vide order dated 23.05.2025, the learned trial Court allowed the plaintiffs' application under Order 39 Rules 1 and 2 CPC and restrained the defendants. However, vide impugned order dated 22.07.2025 (Annexure P-7), the learned Additional District Judge, Jind, reversed the injunction order, holding that the property is joint and the defendants are co-sharers.

3. Learned counsel for the petitioners argued that the plaintiffs are exclusive owners in possession of the suit property as reflected in the Jamabandi entries and property tax records, and that the banquet hall is being operated under their licence and electricity connection. It was further urged that once the respondents' sale deeds specify certain boundaries, they cannot claim co-ownership in the entire property, and therefore, the trial court had rightly granted injunction which the appellate court erred in vacating.

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4. Per contra, learned counsel for the respondents submitted that the property is joint in nature and defendant No.2, having purchased the share of co-sharer Mahender Singh through registered sale deeds, has stepped into his shoes and became a co-owner. It was contended that in law possession of one co-sharer is possession of all, and unless partition takes place no co-owner can claim exclusive possession. Reliance was placed upon the judgments of the Hon'ble Supreme Court in *Ram Das v. Sitabai & Ors.*, Civil Appeal No.6508 of 2005, *Mange Ram v. Ram Chander*, 2002 (3) RCR (Civil) 303 (SC), and of this Court in *Bhartu v. Ram Sarup*, RSA No.886 of 1969, to argue that injunction cannot be granted against a co-sharer.

5. I have heard learned counsel for the parties at length and perused the paper book.

6. Vide order dated 23.05.2025, the learned trial Court stated that *“mere payment of electricity charges by defendant No.1 cannot be considered as an evidence of the possession of defendants over the suit property. It only indicates that the defendant No.1 had made payment on behalf of plaintiffs under some arrangement or understanding and he has a separate right to recover such payment from them”*. While it is an admitted fact that the property in dispute originally stood jointly owned by the plaintiffs, the proforma defendant, and Mahender Singh. Defendant No.2, through registered sale deeds dated 06.06.2024 and 07.06.2024, has purchased Mahender Singh's share and is thus a co-owner. The law is well settled that a vendee from a co-sharer steps into the possession of the suit property and becomes a co-sharer himself.

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7. Further, the petitioners have relied upon the Jamabandi entries for the years 2010-11, 2015-16 and 2020-21 to contend that their names, along with proforma defendant, are recorded as owners in possession of the suit land. They have also produced property tax assessment notices issued in the name of petitioner No.1 and proforma defendant, as well as an electricity connection installed in their names. Petitioners have also placed reliance upon a medico-legal report dated 26.05.2025 regarding injuries sustained by proforma defendant in an attack allegedly by the respondents, and vide order dated 23.06.2025 passed by this Court in CRWP No.6570 of 2025, directions were issued to the Inspector General, Hisar Range to protect the life and liberty of the petitioners.

8. The main issue before this Court is whether an injunction can be granted against a co-sharer when the property is joint and unpartitioned. The legal position is well settled. In *Ram Das v. Sitabai & Ors.*, Civil Appeal No.6508 of 2005, the Hon'ble Supreme Court held that every co-owner has an interest in the whole property and possession of one is deemed to be possession of all unless there is partition by metes and bounds. Similarly, in *Mange Ram v. Ram Chander*, 2002 (3) RCR (Civil) 303 (SC), it was held that a vendee from a co-sharer acquires the same rights as the vendor and becomes co-owner with other co-sharers, and possession of one co-sharer is possession of all. Likewise, in *Bhartu v. Ram Sarup*, RSA No.886 of 1969, this Court reiterated that no co-owner can claim exclusive possession of any portion of the joint property to the exclusion of others, and injunction cannot ordinarily be granted against a

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co-sharer.

9. In the present case, though the petitioners have produced Jamabandi entries and revenue records showing their names as owners in possession, the same do not, in law, exclude the rights of the respondents who have purchased the share of another co-sharer. Jamabandi entries only show ownership as per revenue record and do not confer exclusive title in derogation of other co-owners. Similarly, property tax receipts and electricity connections in the name of one co-sharer are not determinative of exclusion of possession of another co-sharer. Even the CRWP order relied upon by the petitioners only directs protection of life and liberty, but does not adjudicate rights of ownership or possession.

10. Therefore, while the documents relied upon by the petitioners establish their co-ownership and prima facie possession, they do not confer exclusive possession so as to entitle them to an injunction against other co-sharers. Once it is admitted that the suit property remains joint, possession of the respondents, being co-sharers, cannot be termed illegal or unlawful. The proper remedy available to the plaintiffs is to seek partition through due process of law.

11. The learned Additional District Judge, Jind, has rightly applied this settled position of law while setting aside the injunction order passed by the trial court. This Court does not find any perversity, illegality, or jurisdictional error in the impugned order warranting interference under Article 227 of the Constitution of India.



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12. Accordingly, the present civil revision petition, stands dismissed, without commenting upon the merits of the case.

13. All pending application(s), if any, also stand disposed of accordingly.

**(AMARINDER SINGH GREWAL)
JUDGE**

24.09.2025

Shubham

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No